



UNITED STATES PATENT AND TRADEMARK OFFICE

9/16
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,244	08/30/2001	Fabrizio Di Pasquale	CISCP711	1793

26541 7590 11/04/2002

RITTER, LANG & KAPLAN
12930 SARATOGA AE. SUITE D1
SARATOGA, CA 95070

EXAMINER

KIM, RICHARD H

ART UNIT	PAPER NUMBER
----------	--------------

2882

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/944,244	PASQUALE ET AL.
	Examiner Richard H Kim	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-7, 9-15 and 17-23 is/are rejected.
 7) Claim(s) 8, 16, 24 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 9-12 and 17-20 is rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. (US 6,433,921 B1).

Referring to claim 1, Wu et al. discloses a WDM communication system comprising a first dispersion compensating fiber traversed by the WDM signal (see Fig. 3, ref. 40; col. 7, lines 40-46; col. 5, lines 36-37), the first dispersion compensating fiber pumped with pump energy to induce Raman amplification of the WDM signal (see col. 7, lines 46-56; Fig. 3, ref. 20, 22); and a second dispersion compensating fiber traversed by the WDM signal after amplification in the first dispersion compensating fiber (see Fig. 3, ref. 42, col. 7, lines 40-46), the second dispersion compensating fiber pumped with pump energy to induce Raman amplification of the WDM signal (see Fig. 3, ref. 20, 22; col. 7, lines 40-46).

Referring to claim 2, Wu et al. discloses an apparatus comprising a gain-flattening filter connected between the first dispersion compensating fiber and the second dispersion compensating fiber (see Fig. 3, ref. 38; col. 6, line 45).

Referring to claim 3, Wu et al. discloses an apparatus comprising an attenuator connected between the first dispersion compensating fiber and the second dispersion compensating fiber (see Fig. 3, ref. 38; col. 6, line 46).

Referring to claim 4, Wu et al. discloses an apparatus comprising a power control loop that performs power measurements on output of the second dispersion compensating fiber and adjusts a power level of pump energy to at least one of the first dispersion compensating fiber and second compensating dispersion fiber (see Fig. 4, col. 7, lines 64-67, col. 8, lines 1-34).

Referring to claims 9 and 17, Wu et al. discloses a method comprising and means for passing an optical signal through a first dispersion compensating fiber and then through a second dispersion compensating fiber (see Fig. 3, ref. 40; col. 7, lines 40-46; col. 5, lines 36-37); pumping the first dispersion compensating fiber with pump energy to induce Raman amplification of the optical signal therein (see col. 7, lines 46-56; Fig. 3, ref. 20, 22); and pumping the second dispersion compensating fiber with pump energy to induce Raman amplification of the optical signal therein (see Fig. 3, ref. 20, 22; col. 7, lines 40-46).

Referring to claims 10 and 18, Wu et al. discloses a method comprising and apparatus comprising means for filtering the optical signal between the first dispersion compensating fiber and the second dispersion compensating fiber for equalization of spectral content of the optical signal (see Fig. 3, ref. 38; col. 6, line 45).

Referring to claims 11 and 19, Wu et al. discloses a method and apparatus comprising means for attenuating the optical signal between the first dispersion compensating fiber and the second dispersion compensating fiber (see Fig. 3, ref. 38; col. 6, line 46).

Referring to claims 12 and 20, Wu et al. discloses a method and apparatus comprising means for performing power measurements on output of the second dispersion compensating fiber; and adjusting the a power level of pump energy directed to at least one of the first dispersion compensating fiber and the second dispersion compensating fiber in response to the fiber measurements (see Fig. 4, col. 7, lines 64-67, col. 8, lies 1-34).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 13-15 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. in view of Bolshtyanksy et al. (US 6,417,959 B1).

Referring to claims 5, 13 and 21, Wu et al. discloses the device, method and means previously recited. Wu et al. further discloses the device, method and means comprising a first laser pump providing pump energy (see col. 7, lines 46-48). However, the reference does not disclose the laser pump providing pump energy on a first wavelength to the first dispersion compensating fiber and the second dispersion compensating fiber.

Bolshtyanksy et al. discloses a laser pump providing energy on a first wavelength (see Fig. 4, ref. 28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a laser pump on a first wavelength to the first dispersion compensating fiber and the second dispersion compensating fiber in order to amplify and optical signal over a predetermined wavelength, thereby allowing the device to be specified to the wavelength traversing the fiber. Further, having a single laser pump providing pump energy to the first and second fiber dispersion compensating fiber provides amplification to the signal, via two couplers, and therefore would be a functionally equivalent modification to the invention disclosed in Wu et al.

Referring to claims 6, 14 and 22, Wu et al. and Bolshtyanksy et al. disclose the apparatus, method and means previously recited. However, Wu et al. does not disclose the apparatus, method and means comprising a second laser pump providing pump energy on a second wavelength to the first dispersion compensating fiber and the second dispersion compensating fiber.

Bolshtyanksy et al. discloses a second laser pump providing pump energy on a second wavelength to the first dispersion compensating fiber and the second dispersion compensating fiber (see Fig. 4, ref. 28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second laser pump provide pump energy on a second wavelength since one would be motivated to expand the field of amplified wavelengths, thereby increasing the amplification range of the device.

Referring to claim 7, 15 and 23, Wu et al. and Bolshtyanksy et al. disclose the apparatus, method and means previously recited. However, the references do not explicitly disclose that the

first laser pump traverses the first dispersion compensating fiber before entering the second dispersion fiber.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first laser pump traverse the first dispersion compensating fiber before entering the second dispersion fiber since such a modification would allow a more systematic amplification and chromatic dispersion correction of the signal, by having the signal manipulated by predetermined subsequent stages.

Allowable Subject Matter

5. Claims 8, 16 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H Kim whose telephone number is (703)305-4791. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H Kim can be reached on (703)305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7724 for After Final communications.

Art Unit: 2882

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Richard H Kim
Examiner
Art Unit 2882

RHK
October 28, 2002



ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800